



# Town of New Windsor

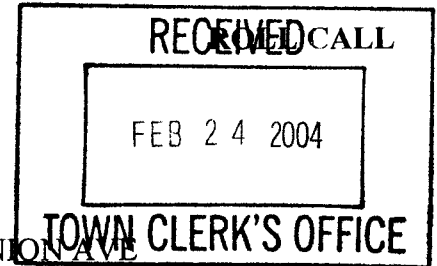
OFFICE OF THE PLANNING BOARD  
FEBRUARY 25, 2004 - WEDNESDAY — 7:30 PM  
TENTATIVE AGENDA

## CALL TO ORDER

APPROVAL OF MINUTES DATED: JANUARY 28, 2004

## ANNUAL MOBILE HOME PARK REVIEW:

- a. NUGENT MOBILE HOME PARK – QUASSAICK & UNION AVE
- b. MONACO MOBILE HOME PARK – WALSH AVENUE



## REGULAR ITEMS:

1. **B & H AUTO (BELA HEGEDUS) (04-06) RT. 207** Review of existing auto repair service.
2. **MARJORIE SAWYER SUBDIVISION (03-31) JACKSON AVE. & BETHLEHEM RD. (MC GRATH )** Proposed 16-lot residential subdivision.
3. **JACK & CLAUDIA ARANSON LOT LINE CHANGE /SUBDIVISION (03-26) RT. 94 (MARTI)** Proposed 4-lot residential subdivision with lot line change
4. **PLANNED PARENTHOOD (04-05) RT. 94 (CARR)** Proposed addition to building and modification to parking lot area.
5. **BRIAN BARBERA CAR WASH (01-39) Rt. 207 (for reapproval)** Proposed car wash facility.
6. **MIDDLE EARTH DEVELOPMENT (03-22) STATION ROAD (MJS ENGINEERING)** Proposed 27-lot residential subdivision.
7. **SHADOW FAX RUN SUBDIVISION (03-23) JACKSON AVE. (MJS ENGINEERING)** Proposed 22-lot residential subdivision.

## PRESUBMISSION:

8. **DON SCADURA – 314 TEMPLE HILL ROAD** (Request to perform “Powder Coating” at his place of residence.

## DISCUSSION

9. **GREG GREER SPECIALTY** – To discuss golf cart sales – from workshop.

## ADJOURNMENT

(NEXT MEETING – MARCH 10, 2004)

February 25, 2004

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TOWN OF NEW WINDSOR

PLANNING BOARD

February 25, 2004

MEMBERS PRESENT: JAMES PETRO, CHAIRMAN  
JIM BRESNAN  
JERRY ARGENIO  
NEIL SCHLESINGER  
ERIC MASON

ALSO PRESENT: MARK EDSALL, P.E.  
PLANNING BOARD ENGINEER

MICHAEL BABCOCK  
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.  
PLANNING BOARD ATTORNEY

MYRA MASON  
PLANNING BOARD SECRETARY

ABSENT: RON LANDER  
THOMAS KARNAVEZOS

REGULAR MEETING

MR. PETRO: I'd like to call the February 25, 2004 meeting of the New Windsor Planning Board to order. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

APPROVAL OF MINUTES DATED: JANUARY 28, 2004

MR. PETRO: Has everyone had a chance to read the minutes dated January 28, 2004? So I'll entertain a motion to accept them as written.

MR. ARGENIO: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board accept those minutes as written for that date. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. PETRO	AYE

ANNUAL MOBILE HOME PARK REVIEW:

NUGENT MOBILE HOME PARK

Ms. Kathleen Nugent appeared before the board for this proposal.

MR. PETRO: Mike, do you have any comments from your department? You've been there to check on it, is there any outstanding problems? One year extension.

MR. BABCOCK: One of the fire inspectors were there and I would assume Mrs. Nugent got a copy of his list, his reinspection of that site is going to be on 3/18, I have a copy here, if you'd like it. I can't read some of the handwriting, he's got something about stairs on number 7, I assume it's lot number 7, lot number 8 there's an unregistered vehicle and some rubbish, I can't read this.

MR. PETRO: Mike, you can work it out?

MR. BABCOCK: Yeah.

MR. PETRO: You have a check for \$100 to the Town of New Windsor?

MS. NUGENT: Yes.

MR. PETRO: One year extension, I'll entertain a motion.

MR. ARGENIO: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant one year extension to the Nugent Mobile Home Park. Any further discussion from the board members? If not, roll call.

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ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. PETRO	AYE

MONACO MOBILE HOME PARK

Mr. Carmen Monaco appeared before the board for this proposal.

MR. PETRO: Mike, again, someone's been to the site? It's for one year extension existing mobile home park, it's a little bit more written up here, Carmen, so why don't you get together with Mr. Babcock. You get a copy of that?

MR. BABCOCK: Yeah, I just gave it to him.

MR. PETRO: Just go over it, we're not going to hold you up, get it squared away and do you have a check for \$100 to the Town of New Windsor?

MR. MONACO: I'll write it out.

MR. PETRO: Mike, so you'll work it out with him and the fire department?

MR. BABCOCK: Yes, we will.

MR. PETRO: Motion for one year extension.

MR. ARGENIO: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant one year extension to the Monaco Mobile Home Park. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE

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MR. BRESNAN

AYE

MR. PETRO

AYE

(Whereupon, Mr. Mason entered the room.)

REGULAR ITEMS:

B & H AUTO

Mr. Bela Hegedus appeared before the board for this proposal.

MR. PETRO: This is reviewing of existing auto repair service. Want to come right up, sir? Let me just read this. First application involves request for approval for minor additions to the existing auto repair and residence, PI zone, use is pre-existing, non-conforming, you've been there a long time. This is by the Newburgh Water Department, you go up that little driveway? I think we reviewed this a couple years ago, is that right?

MR. BABCOCK: I don't think so, Mr. Chairman, no. Back in the very early or late '60s, I guess it was or early '70s, he was in front of the zoning board to receive the special permit for the operation of this but he doesn't have an official, he needs a repair license, he doesn't have an official C.O. for me to be able to give him that license. We had started this process and in the meanwhile, we found out that he did some renovations interior, he put a little addition on for some storage and so we're here tonight to kind of just get everything straightened out.

MR. PETRO: How many years have you been there?

MR. HEGEDUS: 1970.

MR. PETRO: I think you're going to make it. So you're here for the letter that you normally have to give out through your department for the repair license, so we want to get it on the record that's what he does there.

MR. EDSALL: And we get a site plan on the record.



MR. BABCOCK: And the addition of the, there's a storage addition, he added a bathroom, nothing to do with this board, it was the addition of the storage facility really what the board would want to see.

MR. PETRO: The board may wish to assume position of lead agency.

MR. ARGENIO: So moved.

MR. MASON: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the B & H Auto site plan amendment on Little Britain Road. Any further discussion? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. PETRO	AYE

MR. PETRO: Mark, as far as the plan is concerned very basic plan, we're just trying to get it on file. Do you have any objections to the way the plan sits as it is?

MR. EDSALL: No, to be honest with you, it's a good, complete survey, they made a couple revisions that I asked them to do at workshop and it's adequate for documenting what he has and what we need.

MR. PETRO: Basically an as-built?

MR. EDSALL: Yes, there's no need to put bulk table on, he's pre-existing, non-conforming, there's no

regulations that apply to him, I should say non-conforming use.

MR. PETRO: Planning board should determine for the record if a public hearing will be required. Normally, we would have one but I think we're just trying to clean this up. Does anybody have any comment on that or do you want to make any statements?

MR. ARGENIO: I don't know why we would even need a public hearing.

MR. HEGEDUS: We had a public hearing when I applied when I moved in there, we only have two neighbors and I know that--

MR. PETRO: There was only 45 people in New Windsor then, it's changed since then, since 1970.

MR. SCHLESINGER: He still only has two neighbors.

MR. HEGEDUS: That's all, we still only have two neighbors.

MR. BABCOCK: Back in those days--

MR. PETRO: I would agree with Mr. Argenio, I think the public hearing at this time just is not in order.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion to that effect, okay, motion has been made and seconded that the New Windsor Planning Board waive the public hearing under its discretionary judgment for the B & H Auto site plan amendment. Any further discussion from the board members? If not, roll.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. PETRO	AYE

MR. PETRO: You may wish to make a determination, what type of action, motion for negative dec.

MR. ARGENIO: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec for the B & H Auto site plan. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. PETRO	AYE

MR. PETRO: Mark, we're not going to go any further, we're just going to give this a final, put this in the file and he can move forward and do what he has to do. Any objection?

MR. EDSALL: Sounds good to me.

MR. ARGENIO: Motion for final approval.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the B & H site plan amendment. Is there any further

discussion? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. PETRO	AYE

MARJORIE SAWYER SUBDIVISION (03-31)

Mr. Tom McGrath appeared before the board for this proposal.

MR. PETRO: Proposed 16 lot residential subdivision. Application proposes subdivision of 33.3 acre parcel into 16 single family residential lots. The application was previously reviewed at the 22 October, 2003 planning board meeting, R-1 zone, bulk information shown is correct for the zone and use the plan still does not reflect the maximum permitted height 35 feet, so you have a little bit to do on the bulk table. You can get together with Mark and take care of that. Did you get a copy of Mark's comments?

MR. EDSALL: Here you go. This other one's from the fire inspector's office.

MR. PETRO: We don't have to do them now, some housekeeping on the plan, so we don't have to go over that. The plan now includes wetlands delineations and the areas have been taken into account for the lot areas, SPDES permit for storm water discharge, construction activity will be required, verify if any additional permits are needed. Department of Planning, I'm just going over this to bring you up to date, lead agency coordination letter, I recommend that the board assume position of lead agency. Did we get any response from anybody? 911 policy for the Town, you have to go through that.

MS. MASON: Just what's in Mark's comments.

MR. PETRO: So before I even get started, I'll entertain a motion for lead agency.

MR. ARGENIO: So moved.

MR. MASON: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board take the position of lead agency for the Sawyer subdivision on Jackson Avenue. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. PETRO	AYE

MR. PETRO: Now, we had, the fire approval was disapproved I see, please provide three sets of the sketch plans for 911 numbering, so you're going to have to do that and get that to the fire department, if you haven't done it, but that was--

MR. BABCOCK: We gave him a copy of that.

MR. PETRO: He has that now?

MR. EDSALL: Yes.

MR. PETRO: Highway, there's nothing passed, the last one was tabled concerning about the drainage conducting a site inspection, is there anything further from him on this?

MS. MASON: No.

MR. PETRO: Why don't you give us a quick presentation.

MR. MC GRATH: Since we were here, we had the wetlands marked at the time, but we didn't have time to get them on the map, since then, we've mapped them, we've modified the alignment of the road very slightly, made

a slight improvement in the road alignment in here as we discussed with Mark in the workshop and we have prepared a separate set of the drawings. We have a road profile and typical cross-section, we know that there has to be sidewalks, we haven't delineated the sidewalk at this time but we will as the grading progresses and the design finalizes.

MR. PETRO: You've got to do the sidewalk on one side.

MR. MC GRATH: One side is what Mark has requested.

MR. PETRO: You're crossing the wetlands, is that why he's going to need the SPDES permit?

MR. EDSALL: Yes, just the amount of disturbance on the site requires a permit.

MR. MC GRATH: We expect to have less than a half acre and we'll need a SPDES permit for storm drainage.

MR. PETRO: 1.84 acres, I'm going to assume that's 80,000 feet?

MR. MC GRATH: Yes.

MR. EDSALL: A little over.

MR. PETRO: Mark, I'm not going to sit here and just keep going over and over it, you're going to review it and it's 16 lots, he's meeting the codes, if the houses are set properly and everything is met, then when this sheet is cleaned up we'll look at it and give you final approval, not going to sit here and design it.

MR. MC GRATH: We'd like a preliminary approval tonight and we'd like to proceed with our storm drainage and get together with Mark and arrange for a public hearing.

MR. EDSALL: You can't have the preliminary approval until you have the preliminary public hearing, so given the very minor nature of the comments, I would suggest that you authorize the public hearing at this time.

MR. PETRO: We're going to hear back from Orange County also, the DEC, you have outside agencies.

MR. EDSALL: They can't go to those until they finish the public hearing and got the preliminary approval.

MR. PETRO: That's why he's all right so let's schedule a public hearing, why not, the plan looks like it's in pretty good shape, actually, the plan looks pretty good.

MR. EDSALL: There's two minor comments and we just discussed how they can resolve both of them.

MR. PETRO: Motion to have a public hearing.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning board have a public hearing for the Marjorie Sawyer subdivision on Jackson Avenue.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. PETRO	AYE

MR. PETRO: Coordinate with Myra, set up a public hearing and get preliminary and get the stuff out to the other agencies.



JACK & CLAUDIA ARANSON LOT LINE CHANGE/SUBDIVISION  
(03-26)

Mr. Craig Marti appeared before the board for this proposal.

MR. PETRO: Proposed 4 lot subdivision with lot line change. Application proposes subdivision of 5.35 acres two existing lots, into five lots. The plan was previously reviewed at the 24 September, 2003 planning board meeting, single family residential use is use permitted by right in both zones, bulk requirements have been corrected with the exception of R-4 zone, maximum development coverage is 20 percent. You can get a copy of Mark's comments. Plans received are very hard to read the application.

MR. EDSALL: You have to print them a little darker.

MR. MARTI: I can address that now, clarification on those items.

MR. PETRO: Why don't you go down the list.

MR. MARTI: The intent is to have a grassy land, there are several feature type of trees which are just around the property that the Aransons would like to preserve, one of which lies in the island area and the nature of the private road and type of development they'd like to propose, they would like to have a paved area going around the grassy land area, such as they can preserve the tree that would be the hydrant location has been placed in that area along with preservation.

MR. PETRO: Some of the trees are almost historic trees.

MR. MARTI: The cover sheet had a picture of one of the trees, the one that's in the center of the island isn't as majestic as some of the ones along the property line

and along the internal property lines, some of the internal property lines were picked such that they intersected with the trees and trees would therefore be out of the way of any proposed development. The intent of the Aransons is to keep it a very quiet, very palatable aesthetic appearing development. The hydrant location would be within the center island. The configuration of the cul-de-sac on private road does require the Planning Board's approval, the configuration of the width of the pavement can be set between Mark and I or any input from the board members. The setback lines on the plan, the houses are shown within the setback areas as per the zoning. I apologize there was some reproduction problems and some of the lines were rather faint as Mark has pointed out. The distance from the existing sewer line is on the opposite side of Route 94 which would require a state highway crossing, I have scheduled a meeting for next week with the engineer from the adjoining project to see if there's any common utility issues that we can find better solutions either for his project or for our project. All of the discussions I've had with him deal only with the technical items of drainage, water and sewer issues, they really don't affect the planning of either project as far as the number of lots, size of lots or arrangement of the lots, it just deals with the infrastructure as to whether there's better ways we can serve them working together or whether it's best to go it on our own. The name of the road we haven't discussed it with the fire inspector, that's been reserved within the database within the fire department of Claudia Court. There's several agencies need to be involved, New York State or Department of Transportation, Health Department, DEC with regards to the water and sewer. So, therefore, tonight, I'd like to request that the board initiate the steps towards achieving preliminary approval so we can go to those agencies. As I understand it, the need for a public hearing is discretionary with the four lots or the minor nature of the subdivision, the project consists

of two lots, the one property line will be relocated and then the resultant larger lot will be subdivided into four lots.

MR. PETRO: Okay, I have from the fire inspector a couple items that we need to go over, one is the proposed six inch water line is unacceptable, the Town of New Windsor Code, Fire Prevention Chapter 21-12 D requires water lines to be no less than eight inches in diameter for all residential areas. Mark, if he brings in the 8 inch line, doesn't he fall within--he's come in with an extension.

MR. EDSALL: It's subject to the water moratorium, I think Aransons should know that until it's lifted, they won't be able to tie into the water, they can go through all this and do what you want to do, that's number one. So you have to upgrade that from six inches to eight inches, road width is too narrow, if the road is going to be dedicated.

MR. MARTI: No, proposed to be a private road.

MR. PETRO: No narrower than 24 feet in either case, Mark?

MR. EDSALL: The detail on the plan meets the Town Law.

MR. ARGENIO: What's the detail?

MR. EDSALL: Shows 18 foot of the finished surface being the double surface and three foot shoulders on each side, which is 24 foot of item with 18 foot on center being oil and chipped, which is what the Town Law calls for for private road.

MR. PETRO: He's okay on that?

MR. EDSALL: Yes.

MR. PETRO: The E-911 numbers shall appear on the final plans and three copies have to be sent in. Okay, now, the other one that he mentions here which troubles me a little bit, I'm not sure the right way to do this, the cul-de-sac should be paved in its entirety to facilitate placement and movement of fire department equipment. Hydrant to be removed from the center of the cul-de-sac and placed on roadway edge by lot number 4. Now, I'm not so sure, I know what the Aransons would like and I know what they're trying to do down there, so if legally we don't have to do that and when I say legally, if the roadway maintains the 18 foot all the way around.

MR. EDSALL: It would be 24 of improved item.

MR. PETRO: Then if the truck can move freely around, what difference does it make, what's in the center?

MR. SCHLESINGER: It's not 18 feet, the cul-de-sac is bigger than 18 feet.

MR. EDSALL: Jim's talking about if the center median was maintained as the plan shows but there was 24 foot of improved area in a circle.

MR. PETRO: Let's say I had 25 acres and I want to make my road go around the 25 acres, how small can I make the center circle before you tell me no and what right do you have to say no if you have all the same 18 feet all the way around?

MR. BABCOCK: We should suggest that the applicant meet with with the fire inspect and see that he understands why he's doing what he's doing.

MR. PETRO: I don't think he gives a crap about that, but that's what it is, that's the way it is, I know him and I know he's going to say I don't care about that, I want it open.

MR. EDSALL: The question would be is if the diameter of the improved private road is such that the ladder truck which is the largest vehicle that would be responding there is able to do the loop without hitting the center median or having to make any K-turns or any maneuvers, if you can demonstrate that I think.

MR. MARTI: I believe we can get to that point, I've seen it with road waivers in the Town of Newburgh with respect to the turning radius of the ladder trucks that was an issue there, it wasn't my project, but I saw another engineer prepare and distribute that type of analysis. And I do believe that the Town Code here in New Windsor provides for the planning board to give such a waiver to the grassed island, I don't want to start--

MR. PETRO: Here's what you have to do, though, you're going to have to do a little more leg work on it because I don't know that the radius is correct or if the ladder truck can get around and until I read it here--

MR. MARTI: I can do that analysis though and provide you with the information.

MR. PETRO: See Mr. McDonald cause then Mike is correct, at least see him and ask him if you can demonstrate that and if he still says no, then I think we could act, but I don't want him to not know the facts and override his--

MR. MARTI: No, I wouldn't ask you to override it.

MR. PETRO: Talk to him first and then first of all, if he sees there's no problem, then it goes away, that's it then, we'll go from there once we know, I like the idea of leaving it like that but it's got to work for the fire department. Everybody agree or disagree?

MR. ARGENIO: I think you said it absolutely perfect.

MR. EDSALL: The other thing they can do is the private road cross-section is that 24 foot of item with three foot swales in addition on the outside on the cul-de-sac they can actually improve not just the 24 but then actually even make it a little bit wider so the truck would even have greater turning radius.

MR. MARTI: We can work with the pavement widths as far as the travel way in keeping, finding the common ground between preservation of the aesthetics as well as the emergency access.

MR. PETRO: Maybe the doughnut in the middle has to be a little smaller, work with that, show it to John, see what he has to say. If he gets obstinate, just says no, I don't want it like that, then we'll discuss it but we have to know the facts first. The other little comments you have to go from Mark's sheets, I'm not going to go over every one of them and planning board may wish to authorize lead agency coordination letter. Motion to that effect?

MR. ARGENIO: So moved.

MR. MASON: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board authorize lead agency coordination letter for the project to review the SEQRA review process. All those in favor?

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. BRESNAN	AYE

MR. PETRO                      AYE

MR. EDSALL: Make sure you get me the copies we need so Myra and I can get it out.

MR. MARTI: Yes.

MR. PETRO: I don't think we're going to waive the public hearing, only because it's too easy to have it and then you're done with it, instead of people next door, there's so many people around you here, they see houses go up, they get all wound up. Authorize the public hearing, set it up, I would suggest that you come to some conclusion about the layout of the road though before we actually have a set of plans that would be up before the public hearing but we'll authorize it now, when you're ready, Mark can look at it and set it up.

MR. MARTI: Let Myra know?

MR. PETRO: Yes but improve this plan so we know what we're doing. Motion to have a public hearing.

MR. ARGENIO: Make a motion we authorize public hearing.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board authorize a public hearing for the Aranson subdivision/lot line change. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE

February 25, 2004

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MR. BRESNAN            AYE  
MR. PETRO             AYE

MR. PETRO:    That's all we can do tonight.

MR. MARTI:    That's all I expected.    Thanks.



PLANNED PARENTHOOD (04-05)

MR. PETRO: Proposed addition to building and modification to parking lot area. This application proposes minor additions to the existing buildings, additions to the building. Plan also proposes configuration and improvement to the existing parking lot. All right, go ahead.

MR. DEHANN: My name is Chris DeHann, this is Kira Carr from Planned Parenthood. We're proposing to modify the parking lot at the facility here. As you can see the existing plan, it's a little circuitous on the site and we're also trying to propose some alignments adjacent to the property owners as well as trying to make the building a little more accessible for handicapped accessibility, we think it's pretty straightforward. I don't know whether the parking prior to this was compliant with the requirements for number of spaces but with what, we're proposing to bring it back into compliance.

MR. PETRO: Mark, I don't feel like reading all that, tell me what the bottom line is.

MR. EDSALL: They want to do a minor addition and they're being very cooperative in the fact that we have been talking to Danny Bloom, he's modified his parking lot, this applicant has in turn carried that new layout down to not only improve their parking but to make it all uniform and if we're lucky enough that at some time in the future, Dr. Kaplan comes in, they have been kind enough to show his property how it would work with his. They're got three minor additions, the parking as indicated will be brought into compliance with the current zoning. The only difficulty we have is that for some unknown reason, this zone has a very low maximum development coverage and we have to make sure that before the plan is stamped that we get some direction from the Town Board as to when that's going

to change, it's on the table now for part of the zoning changes, the rest of it is just procedural.

MR. PETRO: Motion for lead agency.

MR. ARGENIO: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been and seconded for lead agency for the Planned Parenthood. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. PETRO	AYE

MR. PETRO: Planning board should determine if a public hearing will be required. This seems like very minor in nature, entertain a motion to waive the public hearing.

MR. ARGENIO: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing for the Planned Parenthood. Is there any purity further discussion? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE

MR. ARGENIO                    AYE  
MR. BRESNAN                   AYE  
MR. PETRO                     AYE

MR. PETRO:    What's the next one with the DOT, Mark?

MR. EDSALL:    Well, if the board finds this layout acceptable, what I'd like to do is work on the two items that have to be resolved, which is one getting write-off from the DOT to take two curb cuts and make them one, which I can't imagine in my wildest dreams they'd disagree and number 2, work on the zoning glitch that we have to straighten out, but as long as the board feels that this is a positive improvement, we'll work on that.

MR. ARGENIO:    What's the zoning glitch?

MR. EDSALL:    The development coverage, development coverage is limited in this commercial zone or planned office zone to 30 percent.

MR. ARGENIO:    So the pre-existing side yard offsets are not an issue for us?

MR. EDSALL:    Correct and the 30 percent I don't think is complied with in the entire zone so they'd be aggravating an existing noncompliance, we just need to make sure if that the intended percentage I believe it's 75 or 80 percent is what's going to be adopted when the PO bulk table gets updated that we work out something so that they can proceed.

MR. DEHAAN:    And the pre-existing lot coverage was already over that, I don't know how you can avoid it.

MR. EDSALL:    We prefer not to send this to the ZBA, we'd like to just resolve the glitch and have them come back for final approval.

MR. PETRO: I don't see anything else. Anything else, Mark?

MR. EDSALL: No, I think it's a good application, we have been trying to get these parking lots straightened out for years.

MR. PETRO: Want to make it subject to DOT approval or just want to wait? How can he not accept two?

MR. EDSALL: Well, the zoning one bothers me more, let's defer to the next meeting, Mike and I can work on the zoning issue and get an answer from DOT.

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BRIAN BARBERA CAR WASH (01-22)

MR. PETRO: Number 5 has been withdrawn by the applicant.

MIDDLE EARTH DEVELOPMENT (03-22)

Mr. James Clearwater and Mr. Drew Kartiganer appeared before the board for this proposal.

MR. PETRO: Property is located in the R-1 zoning district of the Town. The required bulk information shown on the plan is correct for the zone and use. Minimum livable area and maximum developmental coverage values must be added to the bulk table. This is still not done so we'll get back to all that. I have a letter, before we even start, I have a letter from Mr. Kroll, the Highway Superintendent, disapproving the access point off of Station Road because of a sight distance problem that needs to be resolved.

MR. KARTIGANER: We just got that today.

MR. PETRO: We'll proceed but I want you to know that that point of access to Station Road may be changed or has to be changed, I don't know that it will or won't and that anything we're doing tonight will be predicated on the plan that you're showing us and we may have to come back and start again with the new entranceway. I don't know whether that's the case or not, but it's disapproved where it is but I'm willing to continue and look at it, it's not a problem at this time but you're proceeding at your own time and risk. Okay?

MR. SCHLESINGER: Which entrance for the north?

MR. CLEARWATER: He doesn't specify.

MR. KARTIGANER: One is a pre-existing.

MR. PETRO: I'm not sure which one, he just just read the letter.

MR. CLEARWATER: He doesn't indicate which one he's

speaking about, we got that note this morning and he says in the note that he made that request previously. I'm unaware that he had made that request previously but that's fine, whatever he wants we'll meet with him in the field or in the office.

MR. PETRO: I would suggest that you contact him directly, meet him in the field, go to the office first, find out what it is and get it straightened out because you don't want to continue, continue, continue and then know that you've got to move it over 40 feet or something. It's a waste of time and effort.

MR. CLEARWATER: I called him this morning but he's out so I'll catch up with him tomorrow. In any case, as you said, this is a 98 acre site, 26 lots, it's located on the east side of Station Road and we access the site in two locations on the wetlands on site, it's all Army Corps wetlands, there's no DEC wetlands, the wetlands line shown here has been delineated and surveyed and plan has been sent to the Army Corps for a jurisdictional determination. We haven't heard back from them yet. We cross the wetlands in two locations, one for each of the roads. Now, if we crossed at the narrowest point but even still the disturbance is greater than what's allowable under the nationwide permit so we'll need to go to the Army Corps for a permit for that. We wanted two access points, we felt it was better for safety and for emergency access and whatnot, even though it increases the disturbance to the wetlands. This plan has been updated considerably since we were here before and shows all the grading for the roads, shows septic designs, well locations, driveways and so on. We also submitted a drainage report, storm water pollution prevention plan just last week, I'm sure that Mark probably hasn't had a chance to review it, it's quite lengthy but in any case, it has been submitted and we already spoke about the sight distance and the question that Mr. Kroll had and we'll speak to him and address that.

MR. PETRO: Where is 22 and 23?

MR. CLEARWATER: Up at the top here.

MR. PETRO: The conservation easement, does it go down, look, is it a big hole there?

MR. CLEARWATER: No, it's high, this is the highest point of the property and what the idea was to preserve that strip along Station Road so that it didn't, so that there was no houses there so as you're driving down Station Road, the look of the property would remain the same as it is now, albeit two roads coming in.

MR. KARTIGANER: Except for the one house on the lower lot, there would be no houses along the top of the ridge.

MR. PETRO: All be serviced by well and septic?

MR. CLEARWATER: Right, it's all in the 80,000 square foot zone.

MR. SCHLESINGER: What about the grading on the lower road?

MR. CLEARWATER: Yeah, it drops down quite steep here and it's necessitated--

MR. SCHLESINGER: Did you evaluate that?

MR. CLEARWATER: No, he hasn't, he hasn't completed.

MR. PETRO: What's this area here, retention pond?

MR. CLEARWATER: Adjacent to lot 26, yeah, it's a detention pond.



MR. PETRO: Where is the outflow for the pond into a little pond?

MR. CLEARWATER: It flows across the road to the east into the wetland.

MR. PETRO: The pond would go into the retention pond and then flow the other way?

MR. CLEARWATER: Right, it flows that way now to the east, it's easier to see on the 50 scale plan.

MR. PETRO: We have received responses from the New York State DEC, you know you need the other permits we've mentioned earlier, possible 401 water quality certification required, lot of comments here, so we'll take lead agency. Motion to do that.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency under the SEQRA process for the Middle Earth Development subdivision on Station Road. Is there any further discussion? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. PETRO	AYE

MR. PETRO: Does anybody have any comment on just the layout of the subdivision? Do you want to make any broad statements about anything because I don't want to get into too much detail, he's got a lot to do here. I

guess the board conceptually doesn't have a problem the way it looks, I guess once you get along a little further with some of these comments, talk to Mark and get some of the outside agencies' input, we can look at it again. It's going to take a while, I think sidewalks and street lights will be required within the subdivision unless waived, obviously, they're not going to be waived, the sidewalks will be required at least one side, you don't have to do both sides. Storm water, Mark, anything you want to discuss? I think he's got enough to do here for a while.

MR. EDSALL: The next big step to confirm the layout is to resolve the road grading issues with Henry as well as the access issues.

MR. PETRO: Why don't you get that straightened out, do some of these other ones and we'll look at it again. Anything else?

MR. CLEARWATER: It's premature to authorize public hearing?

MR. PETRO: Yes, we don't even know the road's going to be there.

MR. CLEARWATER: Okay.

MR. KARTIGANER: We might want some supporting letter Mark said he'd give subject to planning board for the permit that we're going to have to go for for the DEC wetlands disturbance, the reason that we're disturbing the wetlands we're putting in two roads, so we can cut down the length of the cul-de-sac which is forcing us to go over the 4,500 square foot.

MR. EDSALL: We discussed that issue, I think from a general layout issue, the board can confirm that you'd really want to have two accesses to this subdivision, you wouldn't want to go with a long cycle access.

MR. ARGENIO: The original plan that we saw only had two?

MR. EDSALL: It had two but the DEC definitely will have an issue as to the disturbance and I think that it should be on record that the board really didn't want to have this number of lots served with a long single road.

MR. PETRO: He wants a supporting letter to that effect.

MR. EDSALL: As long as we have it on record, I can say the board discussed it and that's your preference, double access.

MR. PETRO: Yes. Thank you.

MR. CLEARWATER: Actually, it's the Army Corps, not DEC.

MR. EDSALL: Yes, Army Corps.

SHADOW FAX RUN SUBDIVISION (03-23)

Mr. James Clearwater and Mr. Drew Kartiganer appeared before the board for this proposal.

MR. PETRO: Application proposes subdivision of the 70 acre parcel into 22 single family residential lots. Plan was reviewed on a concept basis only, it's R-1 zone district of the Town, required bulk information shown on the plan is correct for the zone and use. This is still not done, same thing I said about minimum livable area, I talked to Mr. Kroll again this morning, this access point needs, and he's absolutely against it, so I can tell you now that you're going to have to get together with him on this one, it's not going there according to him. So unless you can convince him otherwise or get some sight distance that works, that location for entry onto Jackson Avenue will be changed, if you want an approval from him. So, again, we'll review it, if you want to go any further knowing this is concept, that the entrance point is going to be changed that he told me under no uncertain terms, I had the phone out to about here so whatever that meant.

MR. CLEARWATER: This plan is basically the same as the other one in that as far as the development there's 21 lots with a single road coming in that loops around, this plan, this project has DEC wetlands as well as Army Corps, the DEC flagged the wetlands a year or more ago and we tried, we're crossing the Army Corps wetlands in one location, the service is less than the, less than the maximum allowable by the corps and well we will need an individual permit like we would do for the other project.

MR. PETRO: The 100 foot, is that a buffer zone along the top of the plan?

MR. CLEARWATER: That's just a setback line that needs to come out. That's the DEC buffer, this plan shows

the grading on the road, septic designs, house locations and that sort of thing. We submitted a storm water prevention plan for the board's review.

MR. PETRO: You've got lots number 18 and 19 and 20.

MR. KARTIGANER: We were trying to get a fourth lot, it's been reduced from one lot, by one lot from the preliminary lot.

MR. PETRO: Can't use a fat pencil because you'll ruin your lot size, you have to stay with number one or two, I guess. All right, let's see, again, the planning board previously authorized a lead agency coordination letter which was circulated 8/5/03, we have received responses, the board should formally assume the role of lead agency at this meeting, all the same things again. We'll take the lead agency but I don't think we're going to go any further. I'd like to see you get together with Mr. Kroll, get that resolved because there's not a lot to review when the roads are going to be possibly changed. What's wrong with the sight distance, why would we think it's good and he thinks it's so bad, how can two educated people be so left and right?

MR. CLEARWATER: What's blocking the sight distance looking to the right as you're pulling out is the cedar trees that are along the road, if those are taken out, then you can see, you need 440 feet to the right and you should be able to get that if the trees are taken out.

MR. PETRO: Who owns the trees? They're on your property?

MR. KARTIGANER: They're going to be out if he tells us.

MR. EDSALL: So the 380 that's shown there is current

without any improvement?

MR. CLEARWATER: Right.

MR. KARTIGANER: We'll do whatever he wants to make it more.

MR. PETRO: Seems like an easy fix, if you owned them all, they're not in the right-of-way, in the Town right-of-way, you own the trees, it's a matter of taking them out and you have the sight distance?

MR. KARTIGANER: Correct, it's the only.

MR. PETRO: Sometimes things are simple, yes.

MR. KARTIGANER: The one point I'd make it seems to be that's about the only place that we can access out to the road, given the wetlands along the lower section and where, and given the steepness of the slope and the other thing that we're trying to do here partly for the walls that are on the other side we're going to give another 200 foot buffer along the road as a conservation easement to try and maintain the more rural image that's there so we don't want see the entire one site which is why I went to a loop road.

MR. PETRO: Other way is no problem, you have 450 the other way.

MR. CLEARWATER: Yeah.

MR. PETRO: That's not the problem.

MR. CLEARWATER: I'm not worried about looking to the left, it's the other way.

MR. KARTIGANER: We don't want to go too much further underneath the power lines on the right side.

MR. PETRO: Motion for lead agency.

MR. ARGENIO: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Shadow Fax Run subdivision. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. PETRO	AYE

PRESUBMISSION:

DON SCADURA - 314 TEMPLE HILL ROAD

Mr. Don Scadura appeared before the board for this presubmission discussion.

MR. PETRO: Request to perform powder coating at his place of residence. This is something new for us, I guess.

MR. SCADURA: Don Scadura, 314 Temple Hill Road, New Windsor, New York.

MR. PETRO: Is this over by the new houses?

MR. SCADURA: Over on Route 300.

MR. SCHLESINGER: You're on the north side?

MR. SCADURA: Yes.

MR. PETRO: Tell us exactly what it is you want to do, obviously want to work in this garage.

MR. SCADURA: Well, I have become permanently disabled because of my heart, I've had quadruple surgery, I have dead muscle tissue, now I have peripheral arteries in my legs which they just operated and basically this is more of a hobby than anything and I just feel I've got to do something.

MR. PETRO: You understand there's a big difference between a hobby and a business, if you're running a business there?

MR. SCADURA: It's, I wouldn't say it's a business, I mean, a lot of my friends have motorcycles, if they want me to powder coat some of their parts, of course they're going to reimburse me for my expenses. I did



bring a piece of what powder coating is, it's a finishing material.

MR. SCHLESINGER: Explain the exact procedure.

MR. SCADURA: Yes, it's a finishing and it's in the form of a powder.

MR. SCHLESINGER: Most people of would think of it as painting.

MR. SCADURA: No, there's no vapors, no venting of anything, it's fully environmentally approved and what it is is it's powder that's sent through a Corona charging gun, it's like 24 volts and the part like this part I just showed you is hung on a piece of metal which grounds it and the particles in the paint, the electrons stick to it.

MR. SCHLESINGER: You're saying the particles in the paint--

MR. SCADURA: Powder, there's no painting at all, it's strictly a powder, then you put that in a curing oven for maybe five to ten minutes at low temperatures and it then melts together like that, all the molecules.

MR. PETRO: OSHA wouldn't have a problem?

MR. SCADURA: No.

MR. SCHLESINGER: Not dangerous?

MR. SCADURA: There's no fumes, there's no venting of anything.

MR. SCHLESINGER: This piece here is put into an oven, okay, how big of a piece? Obviously the ovens must come in different sizes.

MR. SCADURA: This would be a small oven, maybe a little bigger than a tire rim.

MR. SCHLESINGER: Now, if somebody wanted to put a fender in there, you couldn't put it in there?

MR. SCADURA: No, there's, this is not a repair shop or taking anything apart.

MR. SCHLESINGER: I wanted to get over the hazards of if environmentally but the other thing is, you know, he does small pieces. Now, what happens if somebody wants to have bigger pieces done?

MR. PETRO: Here's what I would suggest, I guess and again, everybody interrupt me if you think I'm going astray here, it's against the law for you to have a business there. In other words, we don't make laws, we administer the laws. So we can't change it if we loved you and wanted you to have it, you couldn't, it wouldn't be binding. So I would suggest if you want to try it out, see what happens, you already have the investment, you probably already have these things. You'd be moving ahead at your own risk, if somebody complains, if you have 16 motorcycles over there and starts looking like Moroney's or Dorrings, you've got a problem and we get a complaint, the town has to act on a complaint, they just don't go riding around looking for things cause everybody would be in trouble, right, you know what I'm saying, right, if they get a complaint, they're going to have to act. At that point, we'll call you back in, ask you to cease and desist on a complaint if there's a problem. If there's never anything, then God bless you, enjoy it.

MR. SCADURA: My neighbor has no problem.

MR. PETRO: Anybody disagree with that? I just, it can't be a business, you can't have a sign out front, John's Powdering, Coating, whatever it is, try it out

and see it that way, we really can't say yes or no.

MR. SCADURA: I want to do it the right way before I did it.

MR. PETRO: You're informing us and I think you're probably better off than if you did because the fire inspector would show up and say you couldn't and shut it down. This way, the building inspector's sitting here and we have an idea of what's going on. If there's no complaint, just enjoy yourself but if there's a complaint, you'd probably get a letter from the fire department or building inspector and you'll reappear before the board. Now, to go further down the road, even though it's not a permitted use, you can apply for a use variance which will be very time consuming, expensive and very difficult to obtain because you'd have to prove hardship and it wouldn't be that easy, then go through the entire process which would be many applications here and I would not suggest it because frankly, you're in a, what zone is this in there, R-4 zone or R-1?

MR. SCHLESINGER: R-4.

MR. PETRO: Residential zone would be difficult to get a use variance but I don't think you have to do that, I think if you stay in your garage, don't hang a big sign out there, like I said, enjoy yourself.

MR. SCADURA: Thank you.

DISCUSSION

GREG GREER SPECIALITY

MR. PETRO: Greg Greer specialty, golf cart sales from workshop. Is that you, Mike?

MR. EDSALL: Actually, Mr. Greer was at the workshop and what he's looking to do is apparently he's looking to scale back to some extent his car repair operation that he currently does. He wants to keep it there but do somewhat less. He's going to maintain the sales office in the front but he wants to have this golf cart sales and service business which I guess he's going to look to do some plow maintenance or plow installation, cohabit the rear building. Mike and I talked about it, it appears to be probably the same use classification as what he's got now, which is vehicle repair or I guess the golf cart would be vehicles as well. It wouldn't be a service establishment. So rather than just tell him yes at the workshop, fine, we wanted to have it on the record, see if any of the board members thought we were misinterpreting this.

MR. PETRO: No, I think, he's my tenant at this time, this golf cart sales and fixer-up or whatever he does there down at the old Auto Express building in the rear and I think when he came in there, he went over the same thing, that's how it fit in there. If he fits in that zone in my building, I think he would fit up here too. I don't see it any different.

MR. EDSALL: We just wanted it on the record, made sure everybody was okay.

MR. PETRO: I think it's fine.

MR. EDSALL: We'll advise Mr. Greer that it's not an issue and consistent with the approval that he has. Thank you.

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MR. PETRO: Motion to adjourn?

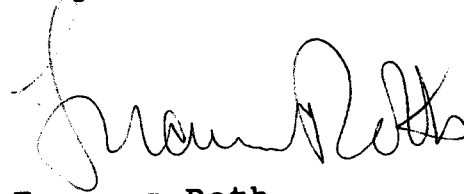
MR. ARGENIO: So moved.

MR. BRESNAN: Second it.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. PETRO	AYE

Respectfully Submitted By:



Frances Roth  
Stenographer

3/8/04